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COATS & BENNETT/SONY ERICSSON
1400 CRESCENT GREEN
SUITE 300
CARY, NC 27511

EXAMINER	
DESIR, PIERRE LOUIS	

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/716,212	SNYDER, THOMAS DAVID	
	Examiner	Art Unit	
	Pierre-Louis Desir	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *Oct. 18, 2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 recites the limitation "the ordered picklist" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Note: for the process of examination, "the ordered picklist" will be interpreted as "an ordered picklist."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 53-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Elliott, Pub No. US 20020106074.

Regarding claim 53, Elliott discloses wireless communications network (see fig. 1) comprising; a base station system to communicate with a mobile terminal (i.e., base station 30) (see fig. 1, page 2, paragraph 30); and a processor communicatively linked to the base station system and the mobile terminal (i.e., CPU) (see fig. 2a, page 4, paragraph 38) and configured to activate a complementary multi-media effect selected from a picklist (i.e., downloading and selecting audio or acoustic information) (see figs. 3A-3C, page 6, and paragraph 52; also refer to paragraph 58).

Regarding claim 54, Elliott discloses a network (see claim 53 rejection) wherein the base station system transmits the selected complementary multi-media effect to the mobile terminal for activation upon a predetermined event (i.e., selecting one or more filenames corresponding to audio samples which is to be downloaded, then the controller communicates with the database through server 33', in the above-described manner, to cause the corresponding audio sample(s) to be retrieved from the table T1 of the database and downloaded to the terminal 18a) (see page 7, paragraph 58).

Regarding claim 55, Elliott discloses a network (see claim 54 rejection) wherein the base station system transmits the selected complementary multi-media effect to the mobile terminal along with the predetermined event (i.e., the identifiers are stored in a memory (2c, 24) in association with respective ones of the electrical signals. Accordingly, when a call signal is later received from one of the calling sources, an identifier included in the signal is correlated to a corresponding stored identifier and to a corresponding stored electrical signal, and the audible signal represented by that electrical signal is then generated to indicate the receipt of the call from the calling source) (see abstract).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-7, 9, 13, 15-18, 22-40, 43-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in view of Deeds Pub. No. US 20040204146.

Regarding claim 1, Elliott discloses a method of selecting a complementary multi-media effect in a wireless communications device (see abstract) comprising: creating a picklist comprising a plurality of complementary multi-media effects available to the wireless communications device (i.e., inputting, downloading or storing one or more sounds) (see figs. 3A-3C, page 6, and paragraph 52; also refer to paragraphs 43-58); selecting a complementary multi-media effect from the picklist for activation upon a first predetermined event (i.e., selecting one or more audible alerting signals for indicating the receipt of incoming call) (see page 5, paragraph 46).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method comprising automatically changing the selected complementary multi-media effect to a new selected complementary multi-media effect without user intervention for activation upon a second predetermined event, wherein the new complementary multi-media effect is selected from the picklist.

However, Deeds discloses a method comprising automatically changing the selected complementary multi-media effect to a new selected complementary multi-media effect without user intervention for activation upon a second predetermined event (i.e., the ringing tone reproduced by the output reproduction device can change randomly (without user intervention) from one event to the next) (see page 6, paragraph 50), wherein the new complementary multi-media effect is selected from the picklist (see page 6, paragraph 50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings as disclosed by Deeds with the teachings of Elliott to arrive at the claimed invention. A motivation for doing so would have been to prevent forgetting to perform the setting or cancellation.

Regarding claim 2, Elliott discloses a method (see claim 1 rejection) wherein one of the first predetermined and second predetermined events comprises the receipt of an incoming call (i.e., upon receipt of an incoming call, generating an audible alerting signal) (see page 1, paragraph 9, and page 5, paragraph 46).

Regarding claims 3 and 36, Elliott discloses a method wherein one of the first predetermined and second predetermined events comprises the receipt of an alarm (i.e., incoming call) (see page 1, paragraph 9, and page 5, paragraph 46).

Regarding claims 4 and 39, Elliott discloses a method wherein one of the first predetermined and second predetermined events comprises the receipt of a text message (i.e., incoming data message) (see page 13, and paragraph 98).

Regarding claims 5 and 40, Elliott discloses a method wherein one of the first predetermined and second predetermined event comprises the receipt of an e-mail message (i.e., incoming data message) (see page 13, and paragraph 98).

Regarding claims 6 and 38, Elliott discloses a method (see claim 1 rejection) wherein one of the first predetermined and second predetermined event comprises the receipt of a new voice message (i.e., incoming call or voice message or voice mail message) (see page 1, paragraph 9, and page 5, paragraph 46; and paragraph 98).

Regarding claims 7 and 37, Elliot discloses a method wherein one of the first predetermined and second predetermined events comprises the receipt of a page (i.e., Elliott discloses that the user communication device could be a pager. Therefore, upon receipt of an inherent page, a signal would alert the user) (see page 2, paragraph 19).

Regarding claim 9, Elliot discloses a method (see claim 1 rejection) wherein the picklist comprises a list of audio files (i.e., list of audio samples) (see page 7, paragraph 58).

Regarding claim 13, Elliott discloses a method (see claim 1 rejection) wherein the picklist comprises a list of video sequences (i.e., MPEG-3) (see page 13, paragraph 99).

Regarding claims 15 and 43, Elliott discloses a method wherein the picklist is stored in memory on the wireless communications device (i.e., stored in memory 24) (see page 7, paragraph 58).

Regarding claims 16 and 44, Elliott discloses a method wherein the picklist is stored in memory external to the wireless communications device (see pages 7-8, paragraph 60).

Regarding claims 17 and 45, Elliott discloses a method wherein the memory external to the wireless communications device comprises a server communicatively linked to the wireless communications device (i.e., server 33') (see fig. 1, see page 7, paragraph 58).

Regarding claim 18, Elliott discloses a method (see claim 17 rejection) further comprising transmitting the new selected complementary multi-media effect to the wireless communications device over a wireless communications network (i.e., selecting one or more filenames corresponding to audio samples which is to be downloaded, then the controller communicates with the database through server 33', in the above-described manner, to cause the corresponding audio sample(s) to be retrieved from the table T1 of the database and downloaded to the terminal 18a) (see page 7, paragraph 58).

Regarding claim 22, Elliott discloses a method (see claim 1 rejection) wherein creating a picklist comprises defining the activation order for each complementary multi-media effect in the picklist (i.e., the section of stored acoustic information can be made in a random manner) (see page 11, paragraph 85).

Regarding claim 23, Elliott discloses a method (see claim 1 rejection) wherein automatically changing the selected complementary multi-media effect comprises randomly selecting the new selected complementary multi-media effect from the picklist (i.e., the section of stored acoustic information can be made in a random manner) (see page 11, paragraph 85).

Regarding claim 24, Elliott discloses a method as described above (see claim 1 rejection).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method wherein automatically changing the selected complementary multi-media effect to a new complementary multi-media effect comprises selecting the next selected complementary multi-

media effect to be activated from an ordered picklist.

However, Deeds discloses a method wherein multi-media effect comprises selecting the next selected complementary multi-media effect to be activated from an ordered picklist (i.e., sequential manner) (see page 6, paragraph 50).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described by Elliott with the teachings as described by Deeds to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a variety of different acoustic data at each occurring event.

Regarding claim 25, Elliott discloses a method as described above (see claim 1 rejection).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method wherein automatically changing the selected complementary multi-media effect to a new complementary multi-media effect comprises shuffling the picklist after each predetermined event occurs, and selecting the new selected feature from the shuffled picklist.

However, Deeds discloses a method wherein the complementary multi-media effect comprises shuffling the picklist after each predetermined event occurs, and selecting the new selected feature from the shuffled picklist (i.e., the ringing tone reproduced by the output reproduction device can change from one event to the next. Advantageously, the ringing tone can change between events based upon the selection criteria by which the controller chooses the ringing tone. For example, the ringing tone changes randomly when the controller relies upon a random selection criteria (i.e., shuffling the picklist)) (see page 6, paragraph 50).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described by Elliott with the teachings as described by Deeds to arrive at the

claimed invention. A motivation for doing so would have been to provide to the user a variety of different acoustic data at each occurring event.

Regarding claims 26 and 34, Elliott discloses a method (see claim 1 rejection) wherein one of the first predetermined and second predetermined events occurs on every n.sup.th predetermined event, wherein n is greater than 0 (i.e., an incoming call is received) (see paragraph 34).

Regarding claims 27 and 33, Elliott discloses a method (see claim 1 rejection) wherein one of the first predetermined and second predetermined events occurs at a predetermined time (i.e., an incoming call is received) (see paragraph 34).

Regarding claims 28 and 35, Elliott discloses method of playing a ring tone in a wireless communications device comprising: creating a picklist comprising a plurality of available ring tones (i.e., downloading and selecting audio or acoustic information) (see figs. 3A-3C, page 6, and paragraph 52; also refer to paragraph 58); playing a selected ring tone from the picklist upon receipt of an incoming call (i.e., upon receipt of an incoming call, generating an audible alerting signal) (see page 1, paragraph 9, and page 5, paragraph 46).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method comprising automatically changing the selected ring tone to a new selected ring tone when a predetermined event occurs, wherein the new selected ring tone is selected from the picklist without user intervention, nor does he disclose a method wherein the predetermined event is the receipt of a second incoming call.

However, Deeds discloses a method comprising automatically changing the selected ring tone to a new selected ring tone when a predetermined event occurs (i.e., the ringing tone

reproduced by the output reproduction device can change randomly from one event to the next (from one incoming call to the next incoming call)) (see page 6, paragraph 50), wherein the new selected ring tone is selected from the picklist without user intervention (see page 6, paragraph 50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings as disclosed by Deeds with the teachings of Elliott to arrive at the claimed invention. A motivation for doing so would have been to prevent forgetting to perform the setting or cancellation.

Regarding claims 29, Elliott discloses a method as described above (see claim 28 rejection).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method wherein automatically changing the selected ring tone comprises randomly selecting a new ring tone from the picklist.

However, Deeds discloses a method wherein a selected ring tone comprises randomly selecting a new ring tone from the picklist (see page 6, paragraph 50).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described by Elliott with the teachings as described by Deeds to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a variety of different acoustic data at each occurring event.

Regarding claims 30-31, Elliott discloses a method as described above (see claim 28 rejection).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method wherein creating a picklist comprises defining the order in which each ring tone is to be played and selecting the next ring tone to be played from the ordered picklist.

However, Deeds discloses a method wherein creating a picklist comprises defining the order in which each ring tone is to be played and selecting the next ring tone to be played from the ordered picklist (i.e., when the controller chooses the ringing tone in a sequential manner, the list of ringing tones in the set of ringing tones are sequentially reproduced in response to the mobile station receiving events) (see page 6, paragraph 50).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described by Elliott with the teachings as described by Deeds to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a variety of different acoustic data at each occurring event.

Regarding claim 32, Elliott discloses a method as described above (see claim 1 rejection).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method wherein changing the selected ring tone comprises shuffling the picklist after each predetermined event occurs, and selecting a new ring tone from the shuffled picklist.

However, Deeds discloses a method wherein changing the selected ring tone comprises shuffling the picklist after each predetermined event occurs, and selecting a new ring tone from the shuffled picklist (i.e., the ringing tone reproduced by the output reproduction device can change from one event to the next. Advantageously, the ringing tone can change between events based upon the selection criteria by which the controller chooses the ringing tone. For example,

the ringing tone changes randomly when the controller relies upon a random selection criteria (i.e., shuffling the picklist)) (see page 6, paragraph 50).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described by Elliott with the teachings as described by Deeds to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a variety of different acoustic data at each occurring event.

Regarding claim 46, Elliott discloses a method (see claim 45 rejection) comprising selecting a new ring tone from the picklist stored on the server (see page 7, paragraph 58).

Regarding claim 47, Elliott discloses a method (see claim 46 rejection) further comprising transmitting the new ring tone to the wireless communications device over a wireless communications network (i.e., selecting one or more filenames corresponding to audio samples which is to be downloaded, then the controller communicates with the database through server 33', in the above-described manner, to cause the corresponding audio sample(s) to be retrieved from the table T1 of the database and downloaded to the terminal 18a) (see page 7, paragraph 58).

Regarding claim 48, Elliott discloses a method (see claim 47 rejection) further comprising storing the new ring tone in memory in the wireless communications device and playing the new selected ring tone when the predetermined event occurs (i.e., stored acoustic information in the wireless device is employed to generate audible alert upon receipt of an incoming call) (see page 8, paragraph 63).

Regarding claim 49, Elliott discloses a method of activating a complementary multi-media effect in a wireless communications device comprising: creating a picklist comprising a

plurality of complementary multi-media effect available to the wireless communications device (i.e., inputting, downloading or storing one or more sounds) (see figs. 3A-3C, page 6, and paragraph 52; also refer to paragraphs 43-58).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method comprising shuffle-playing a complementary multi-media effect selected from the picklist.

However, Deeds discloses a method comprising shuffle-playing a complementary multi-media effect selected from the picklist (i.e., the ringing tone reproduced by the output reproduction device can change from one event to the next. Advantageously, the ringing tone can change between events based upon the selection criteria by which the controller chooses the ringing tone. For example, the ringing tone changes randomly when the controller relies upon a random selection criteria (i.e., shuffle-playing)) (see page 6, paragraph 50).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described by Elliott with the teachings as described by Deeds to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a variety of different acoustic data at each occurring event.

Regarding claim 50, Elliott discloses a method as described above (see claim 49 rejection).

Although Elliott discloses a method as described, Elliott does not specifically disclose a method wherein the shuffle-playing comprises automatically changing a selected complementary multi-media effect to a new selected complementary multi-media effect for activation upon a

predetermined event), wherein the new selected complementary multi-media effect is selected from the picklist without user intervention

However, Deeds discloses a method wherein the shuffle-playing comprises automatically changing a selected complementary multi-media effect to a new selected complementary multi-media effect for activation upon a predetermined event (i.e., the ringing tone reproduced by the output reproduction device can change from one event to the next) (see page 6, paragraph 50), wherein the new selected complementary multi-media effect is selected from the picklist without user intervention (i.e., random selection) (see page 6, paragraph 50).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described by Elliott with the teachings as described by Deeds to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a variety of different acoustic data at each occurring event.

Regarding claim 51, Elliott discloses a wireless communications device (see fig. 1) comprising: a transceiver (see fig. 2a, page 4, and paragraph 37); a memory (see fig. 2a, page 4, paragraph 39); and a processor (see fig. 2a, page 4, paragraph 38).

Although Elliott discloses a device as described, Elliott does not specifically disclose a device wherein a processor is configured to shuffle-play a complementary multi-media effect selected from a picklist comprising a plurality of complementary multi-media effect available to the wireless communications device, wherein the complementary multi-media effect is selected without user intervention.

However, Deeds discloses a wireless device (see fig. 2) comprising a processor (see fig. 1) configured to shuffle-play a complementary multi-media effect selected from a picklist

comprising a plurality of complementary multi-media effect available to the wireless communications device (i.e., the ringing tone reproduced by the output reproduction device can change from one event to the next) (see page 6, paragraph 50), wherein the complementary multi-media effect is selected without user intervention (i.e., random selection) (see page 6, paragraph 50).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described by Elliott with the teachings as described by Deeds to arrive at the claimed invention. A motivation for doing so would have been to provide to the user a variety of different acoustic data at each occurring event.

Regarding claim 52, Elliott discloses a device (see claim 51 rejection) further comprising a plug-in accessory that mates with a system interface connector on the wireless communication device (i.e., the user communication terminal 10 includes an interface 23 for communicatively coupling the terminal 10 to an external communication interface, such as the interface 19) (see fig. 1, page 4, paragraph 38).

7. Claims 8, 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott and Deeds in further view of Ito, U.S. Patent No. 6597928.

Regarding claim 8 and 41, Elliott and Deeds disclose a method as described above (see claims 1 and 28 rejections).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein one of the first predetermined and second predetermined events comprises the start of a gaming session.

However, Ito discloses a method comprising selecting a complimentary multi-media effect from a list for activation upon the start of a gaming session (see pages 2-3, paragraph 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Elliott and Deeds with the teachings of Ito to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper identification of the start of the gaming function.

Regarding claim 42, Elliott and Deeds disclose a method as described above (see claim 42 above).

Although the combination discloses a method as described, the combination does not specifically disclose a method further comprising automatically changing the selected ring tone to a new ring tone during game play.

However, Ito discloses a method comprising automatically changing the ring tone during game play (i.e., the controller sequentially reads from musical tone memory the music data that contains melody data timing data and rhythm sound data. Thus, the speaker produces melody sound, rhythm sound of the selectable musical tune) (see page 3, paragraph 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Elliott and Deeds with the teachings of Ito to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper identification of the different gaming functions.

8. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott and Deeds in further view of Stone et al. (Stone), U.S. Patent No. 5767778.

Regarding claim 10, Elliott and Deeds disclose a method as described above (see claim 1 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein the picklist comprises a list of tactile function generator patterns.

However, Stone discloses a method wherein upon detection of an incoming telephone call, an alert generator initiates an alert. The alert generator may comprise of tactile function generator patterns (see col. 3, lines 7-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Elliott and Deeds with the teachings as disclosed by Stone. A motivation for doing so would have been to provide the user a more discreet notification of an incoming telephone call.

Regarding claims 11 and 12, Elliott and Deeds disclose a method as described above (see claim 1 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein the picklist comprises a list of lighting patterns, nor doe it discloses that the picklist comprises a list of images.

However, Stone discloses a method wherein upon detection of an incoming telephone call, an alert generator initiates an alert. The alert generator may comprise of visual (light or display) alert generator (see col. 3, lines 7-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Elliott and Deeds with the teachings as

disclosed by Stone. A motivation for doing so would have been to provide the user a more discreet notification of an incoming telephone call.

9. Claims 14, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott and Deeds in further view of Gargiulo et al. (Gargiulo), Pub. No. US 20020087656.

Regarding claim 14, Elliott and Deeds disclose a method as described above (see claim 1 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method wherein the picklist comprises a combination of at least two complementary multi-media effects.

However, Gargiulo discloses a method wherein a picklist may be created comprising of a combination of at least two complementary multimedia effects (see page 8, paragraph 158).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Elliott and Deeds with the teachings as described by Gargiulo to arrive at the claimed invention. A motivation for doing so would have been to provide different options as to which multimedia effect to utilize as an indication.

Regarding claim 19, Elliott and Deeds disclose a method as described above (see claim 18 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method further comprising partitioning memory in the wireless communications device into first and second partitions, and temporarily storing the new selected complementary multi-media effect in the first partition.

However, Gargiulo discloses a method further comprising partitioning memory in the wireless communications device into first (i.e., temporary RAM) (see page 8, paragraph 167) and second partitions (non-volatile RAM) (see page 9, paragraph 179), and temporarily storing the new selected complementary multi-media effect in the first partition (i.e., the file is stored into temporary random access memory) (see page 8, paragraph 167).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Elliott and Deeds with the teachings as described by Gargiulo to arrive at the claimed invention. A motivation for doing so would have been to provide to the device a storage area where data would be kept, for instance, before sampling.

Regarding claim 20, Elliott and Deeds disclose a method as described above (see claim 19 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method further comprising moving the new selected complementary multi-media effect from the first partition to the second partition if the user chooses to save the new selected complementary multi-media effect.

However, Gargiulo discloses a method further comprising moving the new selected complementary multi-media effect from the first partition to the second partition if the user chooses to save the new selected complementary multi-media effect (i.e., the mobile station will save the media file (which was stored in the temporary RAM as stated in paragraph 167) to non-volatile RAM) (see page 9, paragraph 179).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Elliott and Deeds with the teachings as described by Gargiulo to arrive at the claimed invention. A motivation for doing so would have been to provide to the device a somewhat permanent storage area for the media file.

Regarding claim 21, Elliott and Deeds disclose a method as described above (see claim 19 rejection).

Although the combination discloses a method as described, the combination does not specifically disclose a method further comprising removing the new selected complementary multi-media effect from the first partition if the user chooses not to save the new selected complementary multi-media effect.

However, Gargiulo discloses a method further comprising removing the new selected complementary multi-media effect from the first partition if the user chooses not to save the new selected complementary multi-media effect (i.e., the media file is first stored in the temporary random access memory, the user is then prompt via display on the mobile station. The user may discard the media, in which case the transaction would be terminated. Therefore, if the user discards the media, the data would be removed from the temporary RAM) (see pages 8-9, paragraph 167-168).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings as described by Elliott and Deeds with the teachings as described by Gargiulo to arrive at the claimed invention. A motivation for doing so would have been to prevent the temporary memory from being full.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is 703-605-4312. The examiner can normally be reached on (571) 272-7799.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pierre-Louis Desir
AU 2681
08/30/2005

JEAN GELIN
PRIMARY EXAMINER